

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 462

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

AN ACT

RELATING TO ELECTIONS; ESTABLISHING A RULE FOR DETERMINING THE
PLACE OF RESIDENCE OF CANDIDATES AND OFFICEHOLDERS; AMENDING
AND ENACTING SECTIONS OF THE ELECTION CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-1-7.1 NMSA 1978 (being Laws 1979,
Chapter 378, Section 1, as amended by Laws 1993, Chapter 314,
Section 1 and also by Laws 1993, Chapter 316, Section 1) is
amended to read:

"1-1-7.1. RESIDENCE FOR PURPOSE OF [~~CANDIDACY AND~~
SIGNING OF PETITIONS--RULE FOR DETERMINING.--For the purpose of
determining the residence of [~~a person desiring to be a~~
~~candidate for the nomination or election to an office under the~~
~~provisions of the Election Code or for the purpose of~~
~~determining the residence of]~~ any signer of a petition required

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underscored material = new
[bracketed material] = delete

1 by the Election Code, permanent residence shall be resolved in
2 favor of that place shown on the person's affidavit of
3 registration as ~~[his]~~ the person's permanent residence,
4 provided the person resides on the premises. "

5 Section 2. A new section of the Election Code, Section
6 1-1-7.2 NMSA 1978, is enacted to read:

7 "1-1-7.2. [NEW MATERIAL] RESIDENCE OF CANDIDATES AND
8 OFFICEHOLDERS--RULE FOR DETERMINING.--In addition to all other
9 requirements imposed by law:

10 A. a candidate running for public office, except
11 for United States senator or United States representative,
12 shall have physically resided within the district to be
13 represented for a ~~mi~~nimum of one hundred eighty-three days of
14 the ~~im~~mediately preceding three hundred sixty-five days; and

15 B. an officeholder shall have physically resided
16 within the district represented for a ~~mi~~nimum of one hundred
17 eighty-three days of the ~~im~~mediately preceding three hundred
18 sixty-five days. If an officeholder fails to physically reside
19 within the district represented for a ~~mi~~nimum of one hundred
20 eighty-three days of the ~~im~~mediately preceding three hundred
21 sixty-five days, the officeholder shall be deemed to have
22 resigned. "

23 Section 3. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is January 1, 2006.